

COMMISSIONERS APPROVAL

ROKOSCH JGR

GRANDSTAFF CG

THOMPSON AT

CHILCOTT GR

DRISCOLL KD

Date.....July 20, 2007

Members Present.....Commissioner Jim Rokosch,  
Commissioner Carlotta Grandstaff, Commissioner Chilcott and Commissioner Driscoll.

Minutes: Glenda Wiles

Commissioner Alan Thompson was in Libby attending a Mental Health and CDC meeting.

Commissioners Rokosch, Grandstaff and Driscoll made a tour of the Detention Center.

The Board met with Sheriff Hoffman and County Attorney George Corn in regard to a discussion of mitigation for effects on the Sheriff's Office from development/growth. Also present were Planner Randy Fifrick, Civil Counsel Alex Beal and City of Hamilton Planning Director Dennis Stranger.

Discussion took place in regard to the monies that will be paid to the Sheriff's Office for mitigation purposes from the Moise Meadows Subdivision that was approved on July 19, 2007. Thirty three lots were approved with a contribution of \$500.00 per lot for law enforcement.

Dennis discussed the distinction of impact fees and exactions. Impact fees have some restrictions as they have to be for bricks and mortar or improvements that have a 10-year life (like patrol cars). Exactions can be utilized differently such as law enforcement services.

Commissioner Rokosch asked about the loss of wildlife and agricultural land that have an economic loss. He asked how they could give a value to those things. Commissioner Chilcott asked how the loss of private land should be mitigated in regard to a value. Commissioner Rokosch stated wildlife belongs to the public and agricultural land if significant needs to be mitigated for its loss.

Dennis stated the economic impacts can be evaluated in a number of ways, such as delivery costs. They are analyzed through fiscal impact analysis – cost of service (such as law enforcement) versus the revenues of the subdivision over time. In regard to the loss of agriculture land, they could look at it from the tax base, what they lose and what they might gain for agricultural land versus developed land. Ag land does not generate a high economic multiplier as would a manufacturing industry. He stated they can look at the community values which include recreation and wildlife and attempt to place a dollar value. However that is difficult to do.

The most conservative direction local government could take is the fiscal impact due to the effects of development. Dennis stated they would model the upcoming budget with a service standard per household and apply it to the development. He stated the City is preparing a fiscal analysis for the Quiet Arm Subdivision.

George Corn stated that is a defensible manner in which to calculate the impacts and figure out the mitigation levels. He asked Dennis how they calculate the subdivisions that are not fully built out during their first few years. Dennis stated they model the revenues and expenditures annually due to the lag time. The lag times are built into the model. During the beginning of the subdivision build out, the county might find them in a 'negative', while the developer finds himself in the 'positive'.

Discussion also included the tax revenue the state utilizes for phasing.

Fiscal impacts primarily deal with delivery of services. Commissioner Chilcott asked how they make that jump to the capital expenditures. Dennis stated the fiscal impact deals with the delivery of services on a day to day business. The capital expenditures should be addressed through a capital expenditure such as the number of patrol cars that are needed per so many households.

Commissioner Chilcott asked if it was legal to mitigate the human resources and capital expenditures outside the impact fees. Yesterday's Moise Meadows was voluntary, not required. Thus the county got the exaction voluntarily.

George stated Missoula and Gallatin County took the impact fees without the statute. Dennis stated the county might be better off with exactions than impact fees. If the Sheriff's Office is under funded (budget constraints) you work on a low standards and it does not necessarily show the desired level of services. Therefore your exactions might not be what it should be because it is based on the low level of services that exist due to the budget constraints (not due to the quality of the officers).

Dennis stated with exactions you could obtain some capital improvements such as a patrol car, and you are not limited in the shelf life of 10-years.

Commissioner Rokosch asked Dennis if there were exactions what capital improvements could be addressed. Denis stated he is developing a fiscal analysis where the exactions

are for both services and capital improvements but the shelf life is 3-years. It was noted this 3-years follows the tax laws.

Dennis made note that calculations are done by taking the Sheriff's budget dividing it by the number of households in county. That could show some service delivery costs (just operating), no capital expenditures. Commissioner Chilcott noted the operating budget includes capital. Dennis stated just isolate that portion. He stated that would help them understand what is actually needed and what it costs.

Dennis relayed the State of Montana is unique and it does not make it easy to model.

Commissioner Driscoll asked Dennis how they get those models; such as hire Dennis as a private consultant. Dennis stated he would be willing to look at that or some bartering with the county for some of their planning staff. He stated both he and Karen looked at this a while ago but it never went anywhere.

Dennis indicated the county would need to have a capital improvement program prior to doing any impact fees.

Commissioner Rokosch asked if they could develop a nexus and proportionality from each department. Dennis stated that is the correct way. Use the impacts to planning, road and bridge, environmental health etc. Alex suggested they use the percentage of the budget for each department which would be legally defensible. Dennis agreed.

Commissioner Driscoll asked how they would achieve 'a level of service'. Dennis stated a single one time revenue could solve the problem. He stated either the county needs to cut their costs or raise their revenues. Commissioner Driscoll noted taxes can not be raised due to tax initiative I-105 twenty years ago. Discussion included the ability to pass levies by voter initiatives.

Commissioner Rokosch stated it is important to have a plan, making growth pay its way, and then sell the capital improvement plan to the tax payers in order to bring in the extra mills.

Dennis stated it takes a minimum of 60-days to prepare a fiscal analysis. However he would need to double that if the county wants to look at the entire budget and review the revenue side. The revenue side is the most difficult to review.

Commissioner Grandstaff stated she would like to have a fiscal impact calculation for the sheriff services prior to the next subdivision. Commissioner Rokosch stated he would like to see a whole calculation done and asked if the Board would be willing to look at a contract for services. Commissioner Grandstaff stated she wants to look at that, but wants something viable for the subdivision hearing that will occur within the next two weeks or so. Dennis stated he has an arrangement with the City that allows him the ability to have a private consulting business. Dennis will visit with the Sheriff in order to

come up with some information in regard to mitigation for law enforcement on the next subdivision.

Minutes: Beth Farwell

In other business, the Board met for a discussion of interim zoning for Highway 93. Planner Randy Fifrick and Civil Counsel Alex Beal were present. Numerous citizens were also present.

Commissioner Rokosch stated commercial development along the highway corridor is one thing to look at and commercial development cannot involve any design considerations.

Citizen Michael Howell asked if this comment applied to every form of design restriction. Commissioner Grandstaff replied no, it applies to retail stores between 20 and 60,000 square feet. They could look at stores that are also in excess of 60,000 feet.

Commissioner Rokosch stated U of M did some recent analysis. He has not had ample time to review it.

Citizen Russell Lawrence stated the number of trips generated on the highway is a concern. Commissioner Grandstaff stated she would like to look into the declaration of an emergency along the highway corridor restricting commercial development. Commissioner Driscoll stated by not having a frontage road, the development takes place right on the highway.

Commissioner Grandstaff stated we now have three reasons for interim zoning. One is resource protection; second is open space; and lastly the need for public safety.

Commissioner Driscoll stated there is a need for frontage road for safety purposes. Therefore zoning is a safety issue.

Commissioner Chilcott stated they could approach that specifically by defining some of the districts into light or heavy commercial.

Alex stated if they are talking about interim zoning which would be put into place prior to permanent zoning; the Commissioners need to clarify their goals.

Commissioner Rokosch stated commercial development attracts more travel. He stated they need to address across road traffic, trips generated, and general traffic safety. Alex replied in the interim before there is zoning, there is concern regarding wildlife, open space and public safety.

Commissioner Driscoll stated her concern is heavier traffic on the highway. There are no other roads that provide relief from the highway traffic.

Commissioner Grandstaff stated we have goals for the Highway 93 development. Currently the actual development is ahead of our goals. She stated she is looking at restricting industrial development until those goals are met.

Commissioner Chilcott questioned the time frame and limits to offer a variation of design standards. It is important along this corridor. Alex stated if the issue is a frontage road, the county needs to involve Montana Department of Transportation.

Commissioner Driscoll stated the big box stores are already paying for some of the highway frontage locations.

Russ stated the Commissioners need time for the planning department to develop professional rational guidelines for design standards. The next step is zoning. Russ felt that by adopting design plans it will not address the safety issues now. Alex stated before you can solve the problem, you have to define it. The emergency can be defined in simple terms.

Commissioner Chilcott stated he is not in support of restricting development/growth as we need the jobs that would be created. He stated he does not see this as an emergency, and if the Commissioners decide to move forward it is important to have a position that we can support and defend with a straight face.

Alex stated while the county does not have authority over state highways, they can address the commercial development along the corridor. Commissioner Chilcott asked if an inter-agency approach would be a good idea. Alex replied the Commissioners can do both; treat the corridor and growth as an emergency yet give MDOT time to address the problem.

Commissioner Driscoll noted Ravalli County is the community that is building the developments that create these patterns to start with. She stated it is important for the Commissioners to take some responsibility for the pattern of development along the state routes.

Commissioner Rokosch stated MDOT is not making their decisions based on access roads.

Citizen Rick Furhman stated he feels MDOT is required to respect the findings in their original plans for Highway 93. Those findings address open space, commercial development and accesses. He felt the County should make it clear to MDOT they should follow the regulations.

Russ stated the County needs rational guidelines.

Commissioner Chilcott stated they are discussing development patterns they want to minimize, but he did not think it was an emergency.

Commissioner Driscoll stated the entertainment business Qwivals is a good example of access problems.

Discussion continued in regard to the design standards and size cap of business. Michael Howell stated he is somewhat confused on the focus of the emergency situation. He suggested they take a look at the goals described in the Growth Policy.

Alex stated interim zoning is based on an emergency. And the Commissioners must identify the emergency before they can address it.

Michael stated with the '1 per 2' initiative they addressed residential development but forgot to include commercial development. If something is not done now, the problem will not get any better.

Commissioner Driscoll stated the four lane highway is not completed thus this is the perfect time to get something done.

Commissioner Grandstaff suggested they restrict commercial development where it has not already begun. The question is how we go about this. She stated she likes the idea of restricting new commercial development with interim zoning. Infrastructures that already exist need to be addressed also. Alex stated they can implement restrictions on new commercial developments.

Commissioner Chilcott stated they are talking about an emergency and he can not think of any business that has come about other than Qwivels in the last couple of years. Discussion followed regarding new developments, existing developments and access.

Commissioner Chilcott stated he believes Phase II of zoning will address these problems brought forth today rather than the use of an 'emergency' ordinance.

Russ stated his concern with Phase II zoning rather than interim zoning is the resources available. If they move forward with interim zoning it will give the Planning Department a year to develop the actual zoning.

It was agreed Alex will research the restrictions that can be applied to commercial development and report back to the Board by July 31<sup>st</sup>.

**The Board met to discuss amending Resolution No. 2174 to include the allowance of charcoal grills by the use of a commercially manufactured cooking device within a residential area. Commissioner Grandstaff made a motion to amend Resolution No. 2174 with Resolution No. 2176 to include the use of charcoal on a grill. Commissioner Chilcott seconded the motion, all voted 'aye'.**

Commissioner Grandstaff requested the Board's permission to leave the country for a three day trip the following weekend. **Commissioner Chilcott made a motion to grant this leave request. Commissioner Driscoll seconded the motion and all voted "aye".**

The Board met to discuss and make a decision on some previous year's invoices from Logysis for 9-1-1 maintenance. Accountant Jana Exner, 9-1-1 Center Director Joanna Hamilton and Administrative Assistant Wanda Lorea of the Sheriff's Office were present.

Joanna stated Wanda brought her invoices from Logysis that were sent out in fiscal year 2004 & 2006. She stated she does not know if they should be paid at this late date and where they should be paid from. Wanda stated these invoices are for maintenance fees for 2006. She explained to the Board that in 2004, the 9-1-1 office and the Sheriff's Office were combined. When she had received the bill, she investigated how it was accrued. She requested Logysis split out the bill between 9-1-1 and the Sheriff's Office. She stated she did notice monies left over from the fiscal year but did not question it at the time. Commissioner Chilcott asked if the left over funds from fiscal year 2004 rolled over into the Capital fund. Jana replied those funds are typically rolled over into Capital funds.

Joanna stated she did receive an email from Logysis with an explanation. Commissioner Grandstaff asked what invoices are unpaid. It was noted the invoices are from September 2004 and May 2006. A brief discussion followed regarding budget allocation. It was agreed Civil Counsel will review the contract with Logysis prior to making any decision for payment.